

REMARKS

Reconsideration of the present application is respectfully requested.

The claims currently stand restricted to Group I, claims 1-11, Group II, claims 12 and 13 and Group III, claims 14-17. There is no dispute that statutory law allows the Patent and Trademark Office to restrict an application to one invention, and the MPEP and relevant case law have long recognized this restriction practice as a means for preventing the overburdening of an Examiner with having to examine two or more inventions that are independent and/or distinct in a single application. However, MPEP §803 makes it clear that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct invention." In this case, there are numerous issued patents that demonstrate no such overburdening in similar cases since they include claims to fuel injectors, engines and methods all in the same application (now patents). Thus, Applicants respectfully request that this application be treated like other similar applications and have all claims examined on the merits, or the Examiner should make of record how examining all the claims would be overburdensome so that Applicants have a fair opportunity to rebut such a finding.

Even if there is reason to believe that the Examiner would be overburdened by examining the entire application as originally submitted, Applicants have amended the claims to render the justification set forth in the office action moot. In particular, the restriction requirements appear justified based upon the absence of a low pressure drain in the method claims. Applicants have amended the method claims to include the low pressure drain, and therefore respectfully assert that the grounds asserted in the office action justifying the restriction are no longer present, and Applicants respectfully request that the restriction requirement again be withdrawn. In order to be responsive to the restriction requirement, Applicants would elect claims 1-11 for substantive examination. However, claim 6 has been cancelled and Applicants would also elect new claim 18 for substantive examination in the event that the restriction requirement is not withdrawn.

The office action also finds that the application contains patentably distinct species, namely Species A, Figure 2, Species B, Figure 3 and Species C, Figure 4. Applicants hereby elect the species of Figure 3 and identify all of the pending claims as readable on the elected

species. In particular, claims 1-5, 7-12, 14, 15 and claims 18-21 are all readable on the elected species.

No extension of time is believed needed, however if one is deemed to be necessary, Applicants respectfully request that the Director or that the Commissioner charge the Extension of Time to deposit account number 500226.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MBM' followed by a stylized flourish.

Michael B. McNeil

Reg. No. 35,949